

**REMARKS**

Claims 1-20 are all the claims presently pending in the application.

Applicant gratefully acknowledges that **claims 5-7, 19, and 20** would be **allowable** if rewritten in independent form. However, Applicant respectfully submits that all of the claims (i.e., claims 1-20) should be allowable, for the reasons set forth below.

Claim 1 has been amended merely to make a minor editorial change in conformance with U.S. Patent practice. No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-2, 8, 10 and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Zhang, et al., (U.S. Patent Publication No. 2003/0224830).

Claims 3, 4, 17, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang, et al.

Claims 9 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang, et al., in view of Paik, et al., (U.S. Patent No. 6,675,008).

Claims 11 and 13-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang, et al., in view of Mun, et al., (U.S. Patent Publication No. 2003/0022659).

These rejections are respectfully traversed in the following discussion.

## **I. THE CLAIMED INVENTION**

Conventional portable telephone sets have been adapted to permit telephone calls by reading out a telephone numbers of the opposite side of communication registered in a telephone diary stored in a memory part based on the corresponding names or titles of the opposite side. Other conventional portable telephone sets include a camera part in which images of the faces of the opposite side of communication can be picked up by the camera part and is stored in the memory part such that the face image is displayed on the display of the telephone set along with the opposite side data as name or telephone number.

In conventional portable telephone set communication systems, it is presently an indispensable convenient function to accumulate non-response call arrival having not been responded to so as to permit a non-response call arrival history based on these data to be displayed on the display as desired by the user operation.

However, the conventional portable telephone sets, such as disclosed by Zhang, have not disclosed or suggested displaying the image of the face or the like of the opposite side of communication in the case of utilizing the above-mentioned non-response call arrival history or stored messages.

The claimed invention, on the other hand, provides a portable communication terminal set which, like a portable telephone set or a PDA, which can display the image of the face or the like of the opposite side even in the case of utilizing non-response call arrival history or stored messages.

## II. THE PRIOR ART REJECTIONS

### A. Claims 1-2, 8, 10 and 16:

Claims 1-2, 8, 10 and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Zhang.

The Examiner alleges that Zhang discloses all of the features of the claimed invention. Applicant respectfully submits, however, that there are features of the claimed invention which are not disclosed or suggested by Zhang. Therefore, Applicant traverses this rejection.

For example, conventional portable telephone sets include a camera part in which images of the faces of the opposite side of communication can be picked up by the camera part and is stored in the memory part such that the face image is displayed on the display of the telephone set along with the opposite side data as name or telephone number. Also, in conventional portable telephone set communication systems, it is presently an indispensable convenient function to accumulate non-response call arrival having not been responded to so as to permit a non-response call arrival history based on these data to be displayed on the display as desired by the user operation.

As the Examiner points out, Zhang discloses a mobile telephone capable of displaying an image of a caller automatically while receiving a call.

However, contrary to the Examiner's position, Zhang does not disclose or suggest that the memory part includes a communication history data representing the history of communication executed by the radio part.

The Examiner alleges that Zhang discloses this feature by disclosing that "when an incoming number is not on the look-up table, the number is displayed", citing Zhang at page 2, paragraph [0018].

However, Zhang merely discloses that, “[w]hen the incoming telephone number is not found in the look-up table, the incoming telephone number is displayed (s22)” (see Zhang at paragraph [0018]). The look-up table includes stored telephone numbers and the corresponding images, not the communication history of the phone.

Thus, Zhang merely discloses storing the current incoming telephone number. Zhang does not, however, specifically disclose or suggest storing “*communication history data*”, as recited in claim 1.

Indeed, Zhang does not disclose, suggest, or even mention the communication history (or call arrival history) of the mobile phone. Instead, Zhang merely discloses displaying an image or telephone number of only one incoming call (i.e., the current call being received by the phone).

This in not, however, the same as or equivalent to displaying the image of the face or the like of the opposite side of communication while utilizing the communication history or call arrival history (i.e., non-response call arrival history), or stored messages, as in the claimed invention.

The claimed invention, on the other hand, provides a portable communication terminal set which can display the image of the face or the like of the opposite side even in the case of utilizing non-response call arrival history or stored messages, since the communication history of the portable communication terminal set is stored by the memory part.

For example, independent claim 1 recites, *inter alia*, a portable communication terminal set including “*a memory part for storing data including image data representing a plurality of images, opposite side party data representing a plurality of opposite side parties of communication, combination data representing the correspondence relation*”

*between the image data and opposite side party data and communication history data representing the history of communication executed by the radio part" (emphasis added).*

For the foregoing reasons, Applicant submits that Zhang does not disclose or suggest all of the features of independent claim 1.

Applicant submits that dependent claims 2, 8, 10, and 16 are patentable over Zhang by virtue of their dependency from claim 1, as well as for the additional features recited therein.

For the foregoing reasons, Zhang does not disclose or suggest all of the features of the claimed invention. Therefore, the Examiner is requested to reconsider and withdraw this rejection and to permit claims 1-2, 8, 10 and 16 to pass to immediate allowance.

**B. Claims 3, 4, 17, and 18:**

Claims 3, 4, 17, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang.

The Examiner alleges that Zhang discloses or suggests all of the features of the claimed invention.

Applicant submits that dependent claims 3, 4, 17, and 18 are patentable over Zhang by virtue of their dependency from claim 1, as well as for the additional features recited therein.

That is, Applicant respectfully submits that there are features of the claimed invention which are not disclosed or suggested by Zhang. Therefore, Applicant traverses this rejection.

**Claim 3**

For example, claim 3 recites, *inter alia*:

*wherein non-response call arrival history data concerning non-response call arrivals not responded in the radio part are stored as communication history data in the memory part under control by the control part, and the image of image data corresponding to the opposite side party of communication concerning the newest non-response call arrival among the image data stored in the memory part, is displayed on the display part based on the non-response call arrival history data and combination data stored in the memory part (emphasis added).*

The Examiner acknowledges that Zhang does not expressly disclose that the non-response call arrival history data concerning non-response call arrivals not responded in the radio part are stored as communication history data in the memory part under control by the control part.

However, the Examiner takes official notice that storing non-responsive call arrival history data concerning calls not responded in the radio part as communication history data in the memory part under control by the control part is well known in the art (see Office Action at page 6, second third paragraph).

Applicant submits, however, that taking official notice does not make up for all of the deficiencies of Zhang. Indeed, the Examiner has not addressed all of the features of claim 3.

That is, the Examiner has not explained or established (or even mentioned) how “the image of image data corresponding to the opposite side party of communication concerning the newest non-response call arrival among the image data stored in the memory part, is displayed on the display part based on the non-response call arrival history data and combination data stored in the memory part”, as recited in claim 3.

As the Examiner acknowledges, Zhang clearly does not expressly disclose the non-responsive call arrival history data.

Thus, Zhang clearly does not (and cannot) disclose or suggest displaying the image based on the non-responsive call arrival history data (which Zhang admittedly does not disclose). That is, Zhang cannot disclose displaying the image based on that which it admittedly does not disclose.

Applicant submits that, considered as a whole, all of the features of claim 3 would not have been well-known in the art, nor has the Examiner explained how such would have been well-known.

Thus, Applicant submits that the Examiner's reliance on Official Notice is misplaced, since such clearly does not make up for the deficiencies of Zhang.

If the Examiner continues to rely on official notice for the feature of claim 3, the Examiner is requested to cite a reference in support of this position that shows each and every element of claim 3, including displaying the image based on the non-responsive call arrival history data, as recited in claim 3.

#### **Claim 4**

Applicant submits that claim 4 is patentable over Zhang and official notice, for somewhat similar reasons as claim 3.

For example, claim 4 recites, *inter alia*:

*wherein non-response call arrival history data concerning non-response call arrivals not responded in the radio part are stored as communication history data in the memory part under control by the control part, and the image of image data corresponding to the opposite side party of communication concerning the first non-response call arrival subsequent to the instant of execution of the newest operation on the operational part among the image data stored in the memory part, is displayed on the display part based on the non-response call arrival history data and combination data stored in the memory part (emphasis added).*

As with claim 3, Applicant submits that taking official notice does not make up for the deficiencies of Zhang. Thus, the Examiner has not addressed all of the features of claim 4.

That is, the Examiner has not explained or established (or even mentioned) how *“the image of image data corresponding to the opposite side party of communication concerning the first non-response call arrival subsequent to the instant of execution of the newest operation on the operational part among the image data stored in the memory part, is displayed on the display part based on the non-response call arrival history data and combination data stored in the memory part”*, as recited in claim 4.

Again, as the Examiner acknowledges, Zhang clearly does not expressly disclose the non-responsive call arrival history data. Thus, Zhang clearly does not (and cannot) disclose or suggest displaying the image based on the non-responsive call arrival history data (which Zhang admittedly does not disclose). That is, Zhang cannot disclose displaying the image based on that which it admittedly does not disclose.

Applicant submits that, considered as a whole, all of the features of claim 4 would not have been well-known in the art, nor has the Examiner explained how such would have been well-known.

Thus, Applicant submits that the Examiner’s reliance on Official Notice is misplaced, since such clearly does not make up for the deficiencies of Zhang.

If the Examiner continues to rely on official notice for the feature of claim 4, the Examiner is requested to cite a reference in support of this position that shows each and every element of claim 4.



**Claim 17**

Applicant submits that claim 17 is patentable over Zhang and official notice, for somewhat similar reasons as above.

For example, claim 17 recites, *inter alia*:

*wherein non-response call arrival history data concerning non-response call arrivals not responded in the radio part are stored as communication history data in the memory part under control by the control part, and the image of image data corresponding to the opposite side party of communication concerning the newest non-response call arrival among the image data stored in the memory part, is displayed on the display part based on the non-response call arrival history data and combination data stored in the memory part (emphasis added).*

As with the claims above, Applicant submits that taking official notice does not make up for the deficiencies of Zhang. Thus, the Examiner has not addressed all of the features of claim 17.

That is, the Examiner has not explained or established (or even mentioned) how “*the image of image data corresponding to the opposite side party of communication concerning the newest non-response call arrival among the image data stored in the memory part, is displayed on the display part based on the non-response call arrival history data and combination data stored in the memory part”*”, as recited in claim 17, would have been well-known in the art.

Indeed, as the Examiner acknowledges, Zhang clearly does not expressly disclose the non-responsive call arrival history data. Thus, Zhang clearly does not (and cannot) disclose or suggest displaying the image based on the non-responsive call arrival history data (which Zhang admittedly does not disclose). That is, Zhang cannot disclose displaying the image based on that which it admittedly does not disclose.

Applicant submits that, considered as a whole, all of the features of claim 17 would not have been well-known in the art, nor has the Examiner explained how such would have been well-known.

Thus, Applicant submits that the Examiner's reliance on Official Notice is misplaced, since such clearly does not show each and every element of claim 17.

If the Examiner continues to rely on official notice for the feature of claim 17, the Examiner is requested to cite a reference in support of this position that shows each and every element of claim 17.

### **Claim 18**

Applicant submits that claim 18 is patentable over Zhang and official notice, for somewhat similar reasons as above.

For example, claim 18 recites, *inter alia*:

*wherein non-response call arrival history data concerning non-response call arrivals not responded in the radio part are stored as communication history data in the memory part under control by the control part, and the image of image data corresponding to the opposite side party of communication concerning the first non-response call arrival subsequent to the instant of execution of the newest operation on the operational part among the image data stored in the memory part, is displayed on the display part based on the non-response call arrival history data and combination data stored in the memory part (emphasis added).*

As with the claims above, Applicant submits that taking official notice does not make up for the deficiencies of Zhang. Thus, the Examiner has not addressed all of the features of claim 18.

That is, the Examiner has not explained or established (or even mentioned) how “*the image of image data corresponding to the opposite side party of communication concerning the first non-response call arrival subsequent to the instant of execution of the*”

*newest operation on the operational part among the image data stored in the memory part, is displayed on the display part based on the non-response call arrival history data and combination data stored in the memory part”, as recited in claim 18, would have been well-known in the art.*

Indeed, as the Examiner acknowledges, Zhang clearly does not expressly disclose the non-responsive call arrival history data. Thus, Zhang clearly does not (and cannot) disclose or suggest displaying the image based on the non-responsive call arrival history data (which Zhang admittedly does not disclose). That is, Zhang cannot disclose displaying the image based on that which it admittedly does not disclose.

Applicant submits that, considered as a whole, all of the features of claim 18 would not have been well-known in the art, nor has the Examiner explained how such would have been well-known.

Thus, Applicant submits that the Examiner’s reliance on Official Notice is misplaced, since such clearly does not show each and every element of claim 18.

If the Examiner continues to rely on official notice for the feature of claim 18, the Examiner is requested to cite a reference in support of this position that shows each and every element of claim 18.

For the foregoing reasons, Zhang does not disclose or suggest all of the features of the claimed invention.

Applicant submits that Zhang clearly does not disclose or suggest (or even mention) the non-response call arrival history of the mobile phone, or for that matter, displaying the image based on the non-response call arrival history.

Instead, Zhang merely discloses displaying an image or telephone number of only one incoming call (i.e., the current call being received by the phone).

Hence, Zhang does not disclose or suggest displaying the image of the face of the opposite side of communication while utilizing the non-response call arrival history, or stored messages, as recited by claims 3, 4, 17, and 18.

Therefore, the Examiner is requested to reconsider and withdraw this rejection and to permit claims 3, 4, 17, and 18 to pass to immediate allowance.

**C. Claims 9 and 12:**

Claims 9 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang, in view of Paik.

The Examiner alleges that the combination of Zhang and Paik disclose or suggest all of the features of the claimed invention.

Applicant submits that dependent claims 9 and 12 are patentable over Zhang by virtue of their dependency from claim 1, as well as for the additional features recited therein. Moreover, Applicant submits that Paik does not make of for the above deficiencies of Zhang, and indeed, is not relied upon for such features.

Applicant also notes that the Examiner relies on Paik for disclosing “*trimming*” the picture, as recited in claims 9 and 12. However, as the Examiner points out, Paik discloses a picture “compression technique” and “converting the size” of a picture (e.g., see Paik at column 5, lines 23-40).

Applicant respectfully submits, however, that the ordinarily skilled artisan would understand that “compression techniques” and “converting the size” of an image are not the same as “*trimming*” a picture, as claimed.

For example, claim 9 recites, *inter alia*:

*wherein under control by the control part a predetermined part of an image of image data corresponding to a pertinent opposite side party of communication among the image data stored in the memory part is trimmed and extracted responsive to the operation of the operational part, and the image extracted by the trimming is used as an image to be displayed on the display part in an enlarged scale to fit the display area of the display part (emphasis added).*

That is, the claimed invention trims a part of the stored image, extracts that part of the stored image, and then enlarges the extracted part of the stored image and displays the extracted part of the stored image to fit the display area of the display part, as shown, for example, in Figure 7.

Hence, according to the claimed invention, an image of a person can be trimmed such that the part of the stored image which includes the person's face is extracted from the stored image. The extracted part of the image can then be enlarged to fit the display area of the display part so that the displayed part of the image which includes the person's face can be easily recognized by the user of the apparatus (e.g., see specification at page 14, lines 10-26; see also Figure 7).

Claim 12 somewhat similarly recites that "*a predetermined part*" of the image is contracted and the contracted part of the image is displayed.

In comparison, Paik merely compresses the data, or scales the overall image to be larger or smaller. Paik does not disclose or suggest "*trimming*" a part of the image, "*extracting*" the part of the image, and then displaying the extracted part of the image to fit the display.

For the foregoing reasons, Applicant respectfully submits that there are features of claims 9 and 12 which clearly are not disclosed or suggested by Zhang and Paik, either individually or in combination.

Therefore, the Examiner is requested to reconsider and withdraw this rejection and to permit claims 9 and 12 to pass to immediate allowance.

**D. Claims 11 and 13-15:**

Claims 11 and 13-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang in view of Mun.

The Examiner alleges that the combination of Zhang and Mun disclose or suggest all of the features of the claimed invention. Applicant respectfully submits, however, that there are features of the claimed invention which are not disclosed or suggested by Zhang and Mun, either individually or in combination. Therefore, Applicant traverses this rejection.

Applicant submits that dependent claims 11 and 13-15 are patentable over Zhang by virtue of their dependency from claim 1, as well as for the additional features recited therein. Moreover, Applicant submits that Mun does not make of for the above deficiencies of Zhang, and indeed, is not relied upon for such features.

For the foregoing reasons, Zhang and Mun, either individually or in combination, do not disclose or suggest all of the features of the claimed invention. Therefore, the Examiner is requested to reconsider and withdraw this rejection and to permit claims 11 and 13-15 to pass to immediate allowance.

#### **IV. FORMAL MATTERS**

##### **Specification Objection**

The Office Action objects to the specification. The specification is amended herewith to obviate this objection. Therefore, the Examiner is requested to withdraw this objection to the specification.

Also, minor errors have been corrected in the disclosure.

##### **Formal Drawings**

Applicant respectfully requests that the Examiner acknowledge receipt of and approve the formal drawings filed on February 26, 2004.

##### **Priority under 35 U.S.C. § 119**

Applicants respectfully request that the Examiner check Box 12(a)(1) of the Office Action Summary indicating that the certified copies of the priority document have been received.

##### **IDS Form PTO 1449's**

The Examiner is request to initial each of the references listed on the form PTO 1449 for each of the Information Disclosure Statements filed on November 10, 2005 and January 10, 2006.

#### **V. CONCLUSION**

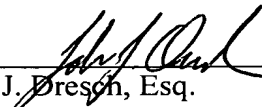
In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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